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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,498	12/18/2003	Derek Fox	JD-195 US	1497

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EXAMINER

BISSETT, MELANIE D

ART UNIT PAPER NUMBER

1711

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,498

Applicant(s)

FOX ET AL.

Examiner

Melanie D. Bissett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 17-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The prior art rejections have been altered as necessitated by amendment.

Election/Restrictions

2. Claims 17-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/14/05.

Claim Objections

3. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitation of claim 10 already exists in claim 1, from which claim 10 depends.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1, 3-8, 10-12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heddon, as evidenced by Suiter and *Hawley's Condensed Chemical Dictionary*, and in view of Borders.
6. From a prior Office action:

Heddon discloses a surface finish for a bowling lane comprising a plastic film attached to a surface by an adhesive, where the bowling lane is finished with a hardened finishing coat and

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where the film is peeled from the surface for refinishing (abstract). This suggests peeling without the use of stripping agents, since none are suggested or implied. Curable coatings include urethanes and epoxies, where epoxies are known as thermosetting materials that have formed permanent crosslinking (*Hawley's Condensed Chemical Dictionary*). The reference prefers thicknesses used in previous patents, citing Suiter, who teaches film thicknesses of 3-10 mils for most of the bowling lane surface (col. 3 lines 32-37).

Regarding claims 3-4, it is noted that the claims are written in product-by-process format. Since the same structural characteristics would result from an ambient-cured or heat-cured epoxy coating and since the recitation of epoxy resin suggests a crosslinked material, it is the examiner's position that the reference's mention of an epoxy resin coating anticipates the product-by-process claims.

7. Heddon applies as above, teaching a surface finish for a bowling lane but failing to teach the claimed coefficient of friction. Borders discloses a bowling alley surface, where a frictional surface is applied at the foul line to prevent players from sliding over the foul line. It is the examiner's position that it would have been prima facie obvious to increase the coefficient of friction of the Heddon surface finishes by any amount sufficient to provide a frictional surface at the foul line and prevent players from sliding over the foul line.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heddon in view of Borders as applied above, and further in view of Suiter and as evidenced by *Hawley's Condensed Chemical Dictionary*.

9. From a prior Office action:

Heddon applies as above, teaching film materials applied to bowling lanes. However, the reference does not specify the film materials suitable in the invention. Suiter teaches films applied to bowling lane surfaces, where polyurethanes, polyolefins, polyvinyls, and polyesters are all suitable plastic film materials having flexibility and wear resistance (col. 3 lines 44-47; col. 4 lines 15-20). Thus, it would have been prima facie obvious to use the films of Suiter's invention to provide improved wear resistance to the articles of Heddon's invention.

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10. Claims 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heddson as evidenced by Suiter and *Hawley's Condensed Chemical Dictionary* and in view of Borders as applied above, and further in view of Kumar et al.

11. From a prior Office action:

Heddson applies as above, teaching coatings applied to a flexible film but failing to teach the cure methods of the coatings. Kumar teaches fast dry ambient temperature curable coating compositions comprising epoxy resins (abstract). The coatings may also be baked at a higher temperature to accelerate cure rate (col. 16 lines 17-42). The coatings are applied to bowling alley lanes (col. 16 line 55) and have improved solvent resistance (col. 3 lines 18-19). It is the examiner's position that it would have been prima facie obvious to bake the coatings of Heddson's invention by Kumar's teaching to accelerate the curing of the epoxy coatings.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heddson as evidenced by Suiter and *Hawley's Condensed Chemical Dictionary* and in view of Borders as applied above, and further in view of Case et al.

13. Heddson and Borders apply as above, failing to suggest evaporatively-cured coatings. Case teaches polyurethane coatings to be applied to flooring surfaces, where the coatings are dried and cured at room temperature to form hard, flexible, abrasion-resistant coatings (col. 17 lines 17-35). The materials have improved toughness, thermal and color stability, shrinkage, and aging properties (col. 2 lines 57-61). Thus, it would have been prima facie obvious to use the polyurethanes of the Case teaching in the finishes of Heddson and Borders to provide a coating with improved toughness, thermal and color stability, shrinkage, and aging properties.

Response to Arguments

14. In response to the applicant's arguments that the Heddon reference does not teach finishes that are removable without the use of stripping agents, it is noted that the films are peeled without aid from a stripping agent. Solvents are only used to remove any adhesive that may not have been removed in peeling. The claims make no mention of an adhesive or the requirement that *all* of the adhesive be removed without the aid of a stripping agent. Since the reference teaches the removal by peeling of the film containing the cured coating, it is the examiner's position that the reference teaches a surface finish removable by peeling without the use of stripping agents.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie D. Bissett whose telephone number is (571) 272-1068. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melanie D. Bissett
Primary Examiner
Art Unit 1711

mdb